



Manistee County Board of Commissioners

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

CHAIRPERSON
Allan O'Shea
VICE-CHAIRPERSON
Edward Haik

Ken Hilliard
Ervin Kowalski
Jim Krolczyk
Glenn Lottie
Carl Rutske

CLERK

Marilyn Kliber
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Thomas Kaminski
(231) 398-3500

DRAFT

POLICY COMMITTEE

Friday, February 5, 2010
9:30 A.M.

Courthouse & Government Center
Board of Commissioner's Room

REPORT

Members Present: Carl Rutske, Chairperson, Edward Haik, and Allan O'Shea

Others Present: Thomas Kaminski, County Controller/Administrator; Marilyn Kliber, County Clerk; and Karen Molby, Personnel Officer/Administrative Assistant

The meeting was called to order at 9:30 A.M.

ITEMS REQUIRING BOARD ACTION

Last month, the Committee requested that the County's labor attorney be contacted to obtain language for the Education Fund Policy that would address situations where an employee is released from their position due to the election of a new elected official, or in the case of an employee agreement not being renewed. The Committee was provided with two proposed language options which were drafted by Timothy Perrone of Cohl, Stoker, Toskey and McGlinchey. The Committee also discussed adding language to the Application that clearly states that the employee is responsible for paying back funds if the Policy was not followed. After reviewing both of the proposed options,

Mr. O'Shea recommended that the second paragraph of the Education Fund Policy be changed to read as follows:

“Regular full-time employees are eligible to apply for the education assistance after completion of twelve (12) months of continuous full-time employment and they must remain employed by the County for a minimum of forty-

eight (48) months after completion of approved training. An employee whose employment with the County is terminated prior to fulfilling this obligation will be required to reimburse the County for the assistance received prior to the release of his/her final paycheck, where the employee: (a) voluntarily terminates his/her employment with the County, or (b) is terminated, dismissed or discharged for cause from his/her employment with the County. This reimbursement requirement shall not apply to an employee whose employment is terminated due to the election of a new elected official, or to an employee employed under a written contract of employment where the contract expires and is not renewed by the County”

and that language be added to the Application that clearly states that the employee is required to pay back all funds if the Policy is not followed. (APPENDIX A)

ITEMS NOT REQUIRING BOARD ACTION

The Committee reviewed several Resolutions from other Counties. There was a brief discussion with Ms. Kliber regarding the GEMS Election Management Systems Resolution(s). (APPENDIX B)

The meeting adjourned at 10:00 A.M.

Carl Rutske, Chairperson

Edward Haik, Commissioner

Allan O'Shea, Commissioner

EDUCATION FUND POLICY

Adopted April 21, 2006
Amended January 15, 2008
Amended February 16, 2010

In order to assist regular full-time employees to qualify for increased duties and responsibilities, further develop their technical and professional careers, and prepare for promotion, the County may provide assistance from its Education Fund. Assistance is designed to aid employees who initiate job-related college or technical school courses that will contribute to their overall effectiveness in their present position. Please note that Elected Officials are not eligible to apply for Education Fund dollars for their own personal use.

~~Regular full-time employees are eligible to apply for the education assistance after completion of twelve (12) months of continuous full-time employment and they must remain employed by the County for a minimum of twenty-four (24) months after completion of approved training. An employee who voluntarily terminates his/her employment with the County, prior to fulfilling this obligation will be required to reimburse the County for the assistance received prior to the release of his/her final check.~~

Regular full-time employees are eligible to apply for the education assistance after completion of twelve (12) months of continuous full-time employment and they must remain employed by the County for a minimum of forty-eight (48) months after completion of approved training. An employee whose employment with the County is terminated prior to fulfilling this obligation will be required to reimburse the County for the assistance received prior to the release of his/her final paycheck, where the employee: (a) voluntarily terminates his/her employment with the County, or (b) is terminated, dismissed or discharged for cause from his/her employment with the County. This reimbursement requirement shall not apply to an employee whose employment is terminated due to the election of a new elected official, or to an employee employed under a written contract of employment where the contract expires and is not renewed by the County.

To take advantage of this Policy, employees must complete an application form which can be obtained in the Administration Office. This application must also be signed by the employee's Supervisor. Prior to participation in a class, the employee's Supervisor and the employee must appear before the Policy Committee to request Education Fund dollars and provide an explanation for their request. The education program cannot conflict with normal job duties. Employees must take classes during non-work hours and employees taking online classes must do the work at home. Reimbursement is limited to tuition costs paid by the employee subtracting scholarships, tuition grants or other third party payments.

Recipients of education assistance funds are required to maintain a minimum 3.0 GPA, and written evidence of their grades shall be submitted to the County after the completion of each term. An employee must first pay the necessary education expenses and maintain appropriate evidence of such payment. Under no circumstance shall the County reimburse employees for meals, travel, lodging, books, or miscellaneous expenses. Reimbursement will be made upon the employee presenting their grades and a copy of the receipt of the actual payment made.

In the event the employee fails to successfully pursue the degree in accordance with the request provided to the Policy Committee, or in the event the employee does not maintain a 3.0 GPA, the employee will not be eligible for reimbursement.

Courses may be taken at community colleges, four-year colleges, universities, trade schools, vocational schools, technical schools and institutes licensed, authorized or approved by the State Department of Education. All credits must be transferrable to a major university.

The benefits provided under this Policy may be unilaterally modified or eliminated by the County at any time, at its sole discretion. Funds available each year may be limited based on budget constraints. In the event this Policy is modified or eliminated, reimbursements noted above shall be limited to those classes in which an employee is enrolled and actively participating at the time that this Policy is modified or eliminated.

APPLICATION FOR EDUCATION ASSISTANCE FROM THE
MANISTEE COUNTY EDUCATION FUND

Name: _____

Department: _____

Title: _____

Degree Seeking: _____

Amount Requesting: _____

Educational Institution: _____

Anticipated Degree Completion Date: _____

Explanation of Education Assistance Request: _____

It is understood that regular full-time employees are eligible to apply for the education assistance after completion of twelve (12) months of continuous full-time employment and they must remain employed by the County for a minimum of forty-eight (48) months after completion of approved training. An employee whose employment with the County is terminated prior to fulfilling this obligation will be required to reimburse the County for the assistance received prior to the release of his/her final paycheck, where the employee: (a) voluntarily terminates his/her employment with the County, or (b) is terminated, dismissed or discharged for cause from his/her employment with the County. This reimbursement requirement shall not apply to an employee whose employment is terminated due to the election of a new elected official, or to an employee employed under a written contract of employment where the contract expires and is not renewed by the County.

Signature of Employee: _____

Dated: _____

Signature of Supervisor: _____

Dated: _____

____ Approved by Policy Committee on _____

____ Approved by County Board on _____

Amount Approved \$ _____

____ Disapproved by Policy Committee on _____

Comments: _____

JANUARY 13, 2010

**RESOLUTION REGARDING FUNDING OBLIGATIONS – STATE MANDATED
SERVICES**

WHEREAS, with much of the budgeted activity performed by them, each County government acts primarily as an “agent” of the State to extend throughout the State the various powers of state government to provide State mandated services for the benefit of Michigan residents; and

WHEREAS, the State legislators pass into law various provisions as to how these State mandated services performed by the county are to be proportionately funded by the State; and

WHEREAS, over time, many elected State officials seem to have lost an understanding of this interconnected relationship between the two levels of Michigan government, and of the laws in place that prohibit unfunded mandates and that require certain levels of State funding to the counties; and

WHEREAS, recent examples, which are crippling county governments’ ability to provide necessary and mandated services, include the following:

In 1978, the voters of Michigan approved the “Headlee Amendment”, which protects counties from unfunded mandates from the State legislature; yet despite this constitutional limit placed upon the State government, the legislature has continued to add more mandates for counties, while cutting funding to county governments year after year; and

For the past several years the State has not followed the statutory formula of PA 140 “Glenn Steil State Revenue Sharing Act of 1971”, (MCL 141.911) that requires 21.3% of the 4% of sales tax be directed to local governments and 25% of that local government revenue sharing go to counties; and

PA 356 of 2004 “County Revenue Sharing Reserve Fund” (MCL 141.911) *temporarily* suspended the above law, taxed all Michigan residents earlier than previously scheduled for property taxes, and utilized these revenues as a *temporary* replacement to the statutory revenue sharing for counties, with a stipulation to return counties to their previous revenue sharing in full when this alternate source of revenue is depleted, yet State proposals now call for ignoring that statutory mandate as well; and

In regard to PA 245 of 2008, Part 1, Line item Appropriations, Section 103, Planning and Community Support, County Jail Reimbursement Program (MCL 769.35), under a most disingenuously crafted provision of State law that states “*expenditures shall not exceed the amount appropriated,*” counties have *once again* been notified by the State that the State will not make a fourth quarter reimbursement payment to the county for diverted felons; and

In regard to PA 513 of 2004 "Payment in Lieu of Taxes on Certain State Lands" (PILT) (MCL 141.911) payment to counties for certain real property owned by the State and controlled by the Department of Natural Resources, the payments have not been made; and

WHEREAS, it is the right and duty of citizens to hold their government accountable to follow the law, and of the Charlevoix County Board of Commissioners, as duly elected citizens, to insist that the State government adhere to all of the laws passed by the State legislature, and that the State pay all payments in full to the counties; and

WHEREAS, State officials must pass appropriate legislation that properly funds mandates, not disingenuous laws that provide loopholes for the State government to shift their portion of the burden when desired; and

WHEREAS, State officials must not balance their budget by withholding required payments to counties while expecting to receive revenues in full from the counties;

NOW THEREFORE BE IT RESOLVED, that where the State has withhold payments to Charlevoix County that are mandated, the Charlevoix County Board of Commissioners intends to explore every legal means to withhold any payment due to the State of Michigan, dollar for dollar, utilizing the same criteria as State legislation, in which the County will direct that "*expenditures shall not exceed the amount appropriated*" wherein to ensure a balanced budget as required by law, the amount appropriated for various payments to the State shall be decreased if State mandated payments to the County are decreased; and

BE IT FURTHER RESOLVED, that this Board of Commissioners does so begrudgingly, as we and all citizens expect better from the State government that serves us and we hope that we will not have to resort to such a measure, but rather that the State will find a way to balance its revenues and expenditures in the same way the counties do, through appropriate cuts that do not include withholding payments that have legally been agreed upon to be made for services directed to be provided; and

BE IT FINALLY RESOLVED that the Charlevoix County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, our State Senator and State Representative, the Michigan Association of Counties and the other 82 Michigan Counties.

Submitted by:

BOB DREBENSTEIN

Supported by:

RON REINHARDT

**RESOLUTION 5-2010
ST. JOSEPH COUNTY, MICHIGAN**

FUNDING OBLIGATIONS – STATE MANDATED SERVICES

WHEREAS, the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS, the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18"; and

WHEREAS, the Headlee Amendment became effective on December 23, 1978; and

WHEREAS, the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS, the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

Michigan Association of Counties.

Michigan Municipal League.

Michigan Township Association.

Michigan School Business Officials and Michigan Association of School Administrators.

Michigan Community College Association.

County Road Association of Michigan.

WHEREAS, the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS, the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.

Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.

Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:

A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
Require the Court of Appeals to rule on the above within six months of the filing.
Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS, the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW, THEREFORE BE IT RESOLVED, that the St. Joseph County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

BE IT FURTHER RESOLVED, that this resolution be forwarded to Governor Jennifer Granholm, Senator Cameron Bown, Representative Matthew Lori, the Michigan Association of Counties and the other 82 Michigan counties.

STATE OF MICHIGAN)
) SS
COUNTY OF ST. JOSEPH)

I, PATTIE S. BENDER, Clerk of the St. Joseph County Board of Commissioners and Clerk of the County of St. Joseph, do hereby certify that the above Resolution was duly adopted by the said Board on January 19, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County and Court at Centreville, Michigan, this 20th day of January 2010.

s/ Pattie S. Bender, Clerk

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

SUPPORT LEGISLATIVE COMMISSION STATUTORY MANDATES FINAL REPORT

DECEMBER 2009

WHEREAS the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18." and;

WHEREAS the Headlee Amendment became effective on December 23, 1978; and

WHEREAS the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.; and,

WHEREAS the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment

and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
 - o A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
 - o Require the Court of Appeals to rule on the above within six months of the filing.
 - o Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services

until such time as the State complies with the Headlee Amendment.

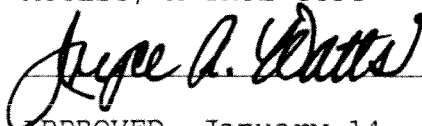
WHEREAS the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report; and,

BE IT FURTHER RESOLVED that the Allegan County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, Senator Patty Birkholz, Representative Robert Genetski, Representative Tonya Schuitmaker, the Supreme Court, the Michigan Association of Counties and the other 82 Michigan Counties, and the local units of government.

Moved by Commissioner Thiele, seconded by Commissioner Burns to adopt the resolution as presented. Motion carried.

ATTEST, A TRUE COPY

 _____, Clerk-Register

APPROVED: January 14, 2010

cc: Admin. - Finance - Human Resources - Governor Granholm,
Senator Birkholz, Representatives Genetski and Schuitmaker,
Supreme Court - MAC - 82 counties

B-9

F1001021
January 21, 2010

TO THE HONORABLE BERRIEN COUNTY BOARD OF COMMISSIONERS: Your Finance Committee respectfully recommends the following:

R E S O L U T I O N

WHEREAS, the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS, the Headlee Amendment (Article IX, Section 29) states:
"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18."; and

WHEREAS, the Headlee Amendment became effective on December 23, 1978; and

WHEREAS, the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS, the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- * Michigan Association of Counties.
- * Michigan Municipal League.
- * Michigan Township Association.
- * Michigan School Business Officials and Michigan Association of School Administrators.
- * Michigan Community College Association.
- * County Road Association of Michigan.

WHEREAS, the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS, the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- * Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- * Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- * Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
- * A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
- * Require the Court of Appeals to rule on the above within six months of the filing.
- * Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS, the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

BE IT FURTHER RESOLVED that the Berrien County Board of Commissioners approves the release of this resolution to be distributed to the Governor, Legislators, and local units of government within Berrien County.

**RESPECTFULLY SUBMITTED
BERRIEN COUNTY FINANCE COMMITTEE**

Jon Hinkelman, Chairman
Mamie L. Yarbrough

Donald F. Ryman, Vice-Chairman
Debra Panozzo

CERTIFICATION

The undersigned, being the Clerk of Berrien County, does hereby certify that on the 21st day of January, 2010, the Berrien County Board of Commissioners did adopt the above resolution at its Regular meeting. This Board of Commissioners did also request that a copy of said resolution be sent to the Governor, Legislators, and local units of government within Berrien County.

M. Louise Stine
Berrien County Clerk

B-11

A01/01-12-2010

VAN BUREN COUNTY BOARD OF COMMISSIONERSRESOLUTION ☐ MOTION ☐ REPORT OF ADMINISTRATIVE AFFAIRS COMMITTEE

HONORABLE BOARD OF COMMISSIONERS:

WHEREAS, the Michigan Department of Transportation (MDOT) pursuant to the Heritage Route Act of 1993 (P.A. 69 of 1993), is empowered to designate scenic, recreational, and historic highways in the state, and;

WHEREAS, the public highways known as U.S. Route 31 extending from the Indiana border to within the City of South Haven exhibits exceptional scenic/recreational/historic quality and passes through an area of significant regional importance, and;

WHEREAS, a study has been undertaken by the Michigan Beach Towns Association and the Michigan History Center, Department of History, Arts and Libraries which assesses the quality of and documents the character and features of the highway corridor, and;

WHEREAS, it is intended that the study be forwarded to MDOT in order to nominate U.S. Route 31/Blue Star Highway as a heritage route.

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners enthusiastically supports the nomination of U.S. Route 31 as a heritage route and authorizes including this resolution with the nomination documents.

BE IT FURTHER RESOLVED, that the County of Van Buren hereby requests and encourages the MDOT to quickly designate U.S. Route 31 as a heritage route.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the Van Buren County Board of Commissioners.

STATE OF MICHIGAN)
) ss
COUNTY OF VAN BUREN)

I, Tina Leary, Clerk of the County of Van Buren, do hereby certify that the foregoing Resolution is a true and exact copy of the original now remaining in this office and was duly adopted by the Van Buren County Board of Commissioners at a regular meeting held on

January 12, 2010

Tina Leary

Tina Leary, Van Buren County Clerk

Date: January 12, 2010

Signed:

Douglas A. Hammond
Mike Roth
Mark R. Rye
Debbie Nabe
Juan Hammond
Thomas P. Erdmann

FOR CLERK'S USE ONLY

MOTION BY: HAMMONDSECONDED BY: NOBLECARRIED ☒NOT CARRIED ☐

B-12

JANUARY 27, 2010

GEMS ELECTION MANAGEMENT SYSTEMS

RESOLUTION

WHEREAS, the State of Michigan has entered into contract pricing for software license fees established for the GEMS Election Management Systems; and,

WHEREAS, the pricing is the same for all who utilize the software regardless of whether the County performs the programming, or a vendor performs the programming and the County only utilizes the software for uploading local election results; and,

WHEREAS, Charlevoix County does not program for elections and utilizes a vendor to provide the programming for elections, and already pays for this service; and,

WHEREAS, Charlevoix County only utilizes the software to upload local election results, so as to compile reports required by the State of Michigan; and,

WHEREAS, Charlevoix County would be required to pay an estimated \$6,000.00 plus per year simply to upload local election results on election night; and,

WHEREAS, the cost of this license renewal is an unfunded mandate required by the State of Michigan; and,

WHEREAS, the original agreement distributed by the State of Michigan in 2004, never mentioned these exorbitant fees.

NOW, THEREFORE BE IT RESOLVED, that the Charlevoix County Board of Commissioners objects to the contract license cost for GEMS Election Management Systems in the current structure, and encourages the State of Michigan to negotiate a fee structure which incorporates a prorated payment schedule for counties who do not utilize the entire programming element of the GEMS software.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Senator Jason Allen, Representative Kevin Elsenheimer, Governor Jennifer Granholm, and the County Clerks of the State of Michigan.

Submitted by:

Bob Drebenstedt

Supported by:

SHIRLENE TRAPP

CERTIFIED

Cheryl Potter Browe, County Clerk

Wm. Campbell 01-28-2010

DEPUTY

DATE

10-024

MECOSTA COUNTY RESOLUTION
#2010-01

Support for Implementation of the State Substance Abuse Treatment and Prevention Allocation Formula
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The following preamble and resolution were offered by Commissioner W. Routley
and supported by Commissioner R. Steinke :

WHEREAS, the Michigan Public Health Code directs the Office of Substance Abuse Services to
“... recommend to the governor and legislature criteria for a formula basis for the distribution
of substance abuse state and federal funds for substance abuse treatment and prevention”, and

WHEREAS, a 2005 Performance Audit of the Bureau of Substance Abuse and Addiction Services
recommended that “... BSAAS review its methodology for allocation of funds to its regional
CAs to help insure that funding for substance abuse prevention and treatment services is
based on the needs for those services in each region.”, and

WHEREAS, BSAAS agreed with the audit finding and convened and facilitated an Advisory
Formula Allocation Workgroup, and

WHEREAS, the Advisory Formula Allocation Workgroup recommended an allocation formula to
BSAAS in august of 2005 that has not been implemented, and

WHEREAS, Northern Michigan Substance Abuse Services, Inc. is the Regional Coordinating
Agency for the counties of Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Clare,
Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau,
Manistee, Mason, Mecosta, Midland, Missaukee, Montmorency, Oceana, Ogemaw, Osceola,
Oscoda, Otsego, Presque Isle, Roscommon, and Wexford, and

WHEREAS, the annual allocation of funds by BSAAS to Northern Michigan Substance Abuse
Services is nearly \$1.1 million less than determined by the formula developed by the
Advisory Formula Allocation Workgroup, and

WHEREAS, the lost funding causes reduced services for the residents of the 30 counties served by
Northern Michigan Substance Abuse Services, and

WHEREAS, the funding inequity results in disproportionate human and financial costs within the
referenced counties, including increased medical, law enforcement, judicial and other costs:
now,

THEREFORE BE IT RESOLVED THAT, the Mecosta County Board of Commissioners does
hereby urge the Michigan Department of Community Health Bureau of Substance Abuse and

Addiction Services to immediately begin implementation of the allocation formula as recommended by the Advisory Formula Allocation Workgroup in August of 2005.

BE IT FURTHER RESOLVED THAT, that this resolution be transmitted to the Michigan Department of Community Health Bureau of Substance Abuse and Addiction Services, to the County Board of Commissioners for each of the thirty counties served by Northern Michigan Substance Abuse Services, and to Northern Michigan Substance Abuse Services.

AYES: Commissioners: W. Routley, R. Steinke, E. O'Neil,
A. Adleman, J. Williams, L. Howard, K. Courtney

NAYS: Commissioners: None

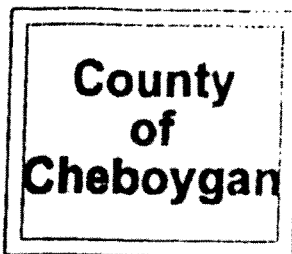
RESOLUTION DECLARED ADOPTED. Marcee M. Purcell
Marcee M. Purcell
Mecosta County Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF MECOSTA)

I, the undersigned, the duly qualified and acting Clerk of the County of Mecosta, Michigan (the County) do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the County Board of Commissioners at a regular meeting on the 21st day of January, 2010, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 21st day of January, 2010, A.D.

Marcee M. Purcell
Marcee M. Purcell
Mecosta County Clerk



BOARD OF COMMISSIONERS

County Building
P.O. Box 70, Room 135
Cheboygan, Michigan 49721

Tel - (231) 627-8855
Fax - (231) 627-8861
E-mail - ccoa@cheboygancounty.net

RESOLUTION 10-06

"Urging Implementation of the State Substance Abuse Treatment & Prevention Allocation Formula"

WHEREAS, the Michigan Public Health Code directs the Office of Substance Abuse Services to "...recommend to the governor and legislature criteria for a formula basis for the distribution of substance abuse state and federal funds for substance abuse treatment and prevention", and

WHEREAS, a 2005 Performance Audit of the Bureau of Substance Abuse and Addiction Services recommended that "...BSAAS review its methodology for allocating funds to its regional CAs to help insure that funding for substance abuse prevention and treatment services is based on the needs for those services in each region.", and

WHEREAS, BSAAS agreed with the audit finding and convened and facilitated an Advisory Formula Allocation Workgroup, and

WHEREAS, the Advisory Formula Allocation Workgroup recommended an allocation formula to BSAAS in August of 2005 that has not been implemented, and

WHEREAS, Northern Michigan Substance Abuse Services, Inc. is the Regional Coordinating Agency for the counties of Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montmorency, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford, and

WHEREAS, the annual allocation of funds by BSAAS to Northern Michigan Substance Abuse Services is nearly \$1.1 million less than determined by the formula developed by the Advisory Formula Allocation Workgroup, and

WHEREAS, the lost funding causes reduced services for the residents of the 30 counties served by Northern Michigan Substance Abuse Services, and

WHEREAS, the funding inequity results in disproportionate human and financial costs within the referenced counties, including increased medical, law enforcement, judicial and other costs;

NOW THEREFORE, BE IT RESOLVED BY, the Cheboygan County Board of Commissioners, that the Cheboygan County Board of Commissioners urges the Michigan Department of Community Health Bureau of Substance Abuse and Addiction Services to immediately begin the implementation of the allocation formula as recommended by the Advisory Formula Allocation Workgroup in August of 2005; and

District 1
Linda Socha
Chairperson

District 2
Herb Makima

District 3
Pete Redmond
Vice-Chairperson

District 4
Alice Mushlock

District 5
Leonard Page

District 6
John B. Wallace

District 7
Robert R. Bolinger

BE IT FURTHER RESOLVED, that this resolution be transmitted to Governor Jennifer Granholm, Senator Jason Allen, State Representative Kevin Elsenheimer, State Representative Gary McDowell, the Michigan Association of Counties, the Michigan Department of Community Health Bureau of Substance Abuse and Addiction Services, to the County Board of Commission for each of the thirty counties served by Northern Michigan Substance Abuse Services and to Northern Michigan Substance Abuse Services.

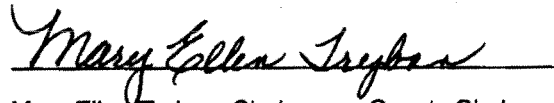
State of Michigan)

)SS

County of Cheboygan)

I, Mary Ellen Tryban, Clerk of the County of Cheboygan and the Cheboygan County Board of Commissioners, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Board at a regular meeting on January 12, 2010.

In witness whereof I have hereunto set my hand and affixed the Seal of the County of Cheboygan this 12th day of January, 2010, at Cheboygan, Michigan.



Mary Ellen Tryban, Cheboygan County Clerk

2010 - 006
BENZIE COUNTY, MICHIGAN
RESOLUTION URGING IMPLEMENTATION OF
THE STATE SUBSTANCE ABUSE TREATMENT AND
PREVENTION ALLOCATION FORMULA

WHEREAS, the Michigan Public Health Code directs the Office of Substance Abuse Services to "...recommend to the governor and legislature criteria for a formula basis for the distribution of substance abuse state and federal funds for substance abuse treatment and prevention"; and

WHEREAS, a 2005 Performance Audit of the Bureau of Substance Abuse and Addiction Services recommended that "...BSAAS review its methodology for allocating funds to its regional CAs to help insure that funding for substance abuse prevention and treatment services is based on the needs for those services in each region."; and

WHEREAS, BSAAS agreed with the audit finding and convened and facilitated an Advisory Formula Allocation Workgroup; and

WHEREAS, the Advisory Formula Allocation Workgroup recommended an allocation formula to BSAAS in August of 2005 that has not been implemented; and

WHEREAS, Northern Michigan Substance Abuse Services, Inc. is the Regional Coordinating Agency for the counties of Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montmorency, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon and Wexford; and

WHEREAS, the annual allocation of funds by BSAAS to Northern Michigan Substance Abuse Services is nearly \$1.1 million less than determined by the formula developed by the Advisory Formula Allocation Workgroup; and

WHEREAS, the lost funding causes reduced services for the residents of the 30 counties served by Northern Michigan Substance Abuse Services; and

WHEREAS, the funding inequity results in disproportionate human and financial costs within the referenced counties, including increased medical, law enforcement, judicial and other costs.

NOW, THEREFORE, BE IT RESOLVED, that the Benzie County Board of Commissioners urges the Michigan Department of Community Health Bureau of Substance Abuse and Addition Services to immediately begin the implementation of the allocation formula as recommended by the Advisory Formula Allocation Workgroup in August of 2005; and

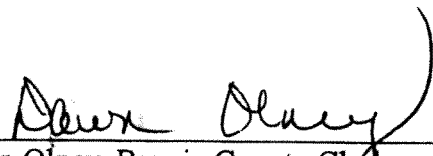
BE IT FURTHER RESOLVED, that this resolution be transmitted to the Michigan Department of Community Health Bureau of Substance Abuse and Addiction Services; to the

County Board of Commissioners for each of the thirty counties serviced by Northern Michigan Substance Abuse Services and to Northern Michigan Substance Abuse Services.

Dated: January 21, 2010


Donald R. Tanner, Chairman

I, Dawn Olney, Clerk to the Benzie County Board of Commissioners, hereby do certify that the above resolution was adopted by the Benzie County Board of Commissioners on the 19th day of January, 2010.


Dawn Olney, Benzie County Clerk

**COUNTY OF LAKE
STATE OF MICHIGAN
Resolution # 01/27/2010 1217
RESOLUTION REGARDING FUNDING OBLIGATIONS - STATE MANDATED
SERVICES**

WHEREAS, with much of the budgeted activity performed by them, each. County government acts primarily as an "agent" of the State to extend throughout the State the various powers of state government to provide State mandated services for the benefit of Michigan residents; and

WHEREAS, the State legislators pass into law various provisions as to how these State mandated services performed by the county are to be proportionately funded by the State; and

WHEREAS, over time, many elected State officials seem to have lost an understanding of this interconnected relationship between the two levels of Michigan government, and of the laws in place that prohibit unfunded mandates and that require certain levels of State funding to the counties; and

WHEREAS, recent examples, which are crippling county governments' ability to provide necessary and mandated services, include the following:

In 1978, the voters of Michigan approved the "Headlee Amendment", which protects counties from unfunded mandates from the State legislature; yet despite this constitutional limit placed upon the State government, the legislature has continued to add more mandates for counties, while cutting funding to county governments year after year; and

For the past several years the State has not followed the statutory formula of PA 140 "Glenn Steil State Revenue Sharing Act of 1971 ", (MCL 141.911) that requires 21.3% of the 4% of sales tax be directed to local governments and 25% of that local government revenue sharing go to counties; and

PA 356 of 2004 "County Revenue Sharing Reserve Fund" (MCL 141.911) temporarily suspended the above law, taxed all Michigan residents earlier than previously scheduled for property taxes, and utilized these revenues as a temporary replacement to the statutory revenue sharing for counties, with a stipulation to return counties to their previous revenue sharing in full when this alternate source of revenue is depleted, yet State proposals now call for ignoring that statutory mandate as well; and

In regard to PA 245 of 2008, Part 1, Line item Appropriations, Section 103, Planning and Community Support, County Jail Reimbursement Program (MCL 769.35), under a most disingenuously crafted provision of State law that states "*expenditures shall not exceed the amount appropriated*, " counties have *once again* been notified by the State that the State will not make a fourth quarter reimbursement payment to the county for diverted felons; and

In regard to P A 513 of 2004 "Payment in Lieu of Taxes on Certain State Lands" (PILT) (MCL

141.911) payment to counties for certain real property owned by the State and controlled by the Department of Natural Resources, the payments have not been made; and

WHEREAS, it is the right and duty of citizens to hold their government accountable to follow the law, and of the Lake County Board of Commissioners, as duly elected citizens, to insist that the State government adhere to all of the laws passed by the State legislature, and that the State pay all payments in full to the counties; and

WHEREAS, State officials must pass appropriate legislation that properly funds mandates, not disingenuous laws that provide loopholes for the State government to shift their portion of the burden when desired; and

WHEREAS, State officials must not balance their budget by withholding required payments to counties while expecting to receive revenues in full from the counties;

NOW THEREFORE BE IT RESOLVED, that where the State has withhold payments to Lake County that are mandated, the Lake County Board of Commissioners intends to explore every legal means to withhold any payment due to the State of Michigan, dollar for dollar, utilizing the same criteria as State legislation, in which the County will direct that "*expenditures shall not exceed the amount appropriated*" wherein to ensure a balanced budget as required by law, the amount appropriated for various payments to the State shall be decreased if State mandated payments to the County are decreased; and

BE IT FURTHER RESOLVED, that this Board of Commissioners does so begrudgingly, as we and all citizens expect better from the State government that serves us and we hope that we will not have to resort to such a measure, but rather that the State will find a way to balance its revenues and expenditures in the same way the counties do, through appropriate cuts that do not include withholding payments that have legally been agreed upon to be made for services directed to be provided; and

BE IT FINALLY RESOLVED that the Lake County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, our State Senator and State Representative, the Michigan Association of Counties and the other 82 Michigan Counties.

STATE OF MICHIGAN)

)SS

COUNTY OF LAKE)

I, Shari Gibbs, Deputy Clerk of the Board of Commissioners for the County of Lake, do hereby certify that the above and foregoing is a true and correct copy of a resolution passed by the Lake County Board of Commissioners at a regular meeting held on January 27, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal at Baldwin, Michigan, this 27th day of January, 2010.

Shari Gibbs, Deputy Clerk of the Board

10-011

January 26, 2010

TO THE HONORABLE BOARD OF COMMISSIONERS:

Whereas the County of Hillsdale is acutely aware that an aquifer supplies a major portion of water to communities in both the states and cities of Ohio and Indiana, and

Whereas, cognizant of the above, Hillsdale County has for many years taken great pride in the regular testing of our streams and rivers that naturally flow south and southwest, providing drinking water to citizens in northwestern Ohio and NE Indiana, and

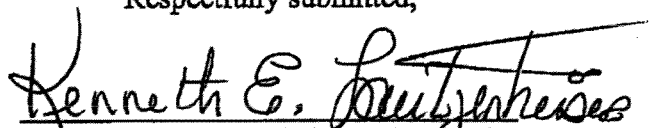
Whereas, we provide due diligence in the regular monitoring of said streams and rivers in conformance with all Department of Environmental Quality regulations, and

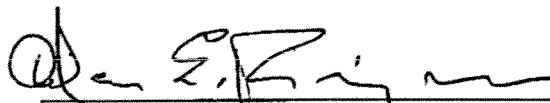
Whereas, we believe the request and application for dedication of our county as a sole source portion of the Michindoh Aquifer and involving the EPA in local affairs serves no long range purpose other than another layer of federal bureaucracy that would further delay any economic and environmental plans involving this supply of natural resource.

Now therefore be it resolved that the County Commission of Hillsdale County respectfully declines inclusion as a part of the Michindoh Aquifer application effort. We further request you honor the formal request of our State Representative Kenneth Kurtz, to extend the informational meeting and study, an additional 180 days.

Further be it resolved that copies of this resolution are to be forwarded to Chicago EPA Office, Governor Jennifer Granholm, Senator Cameron Brown and Representative Kenneth Kurtz.

Respectfully submitted,


Kenneth E. Lautzenheiser, Vice Chair
Board of Commissioners


Alan E. Ringenberg, Chair
Board of Commissioners

APPROVED BY THE BOARD OF COMMISSIONERS ON JANUARY 26, 2010,
ROLL CALL VOTE: C/Ringenberg - Yes, C/Spieth - Yes, C/Benzing - Yes, C/Densmore - Yes,
C/Lautzenheiser - Yes, C/Welden - Yes, C/Hayes - Yes. Vote: 7-Yes, 0-No.